

# Customs Bulletin

Regulations, Rulings, Decisions, and Notices  
concerning Customs and related matters



## and Decisions of the United States Court of Appeals for the Federal Circuit and the United States Court of International Trade

Vol. 18

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THE DEPARTMENT OF THE TREASURY  
U.S. Customs Service

### **NOTICE**

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.

# U.S. Customs Service

## Treasury Decisions

(T.D. 84-112)

### Bonds

Approval and discontinuance of Carrier's Bonds, Customs Form 3587

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: May 10, 1984.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Advanced Distribution System, Inc., 1350 West Fifth Ave., Columbus, OH; motor carrier; Insurance Company of North America.	Mar. 16, 1984	Apr. 3, 1984	Cleveland, OH \$50,000
Air Cargo America, Inc.; P.O. Box 523537, Miami, FL; motor carrier; Old Republic Ins. Co.	Sept. 21, 1983	Mar. 3, 1984	Miami, FL \$50,000
Al-Ways Air Freight Forwarders, Inc., 830 Supreme Dr., Bensenville, IL; motor and air freight forwarder; Aetna Casualty and Surety Co. (PB 1/31/83) D 4/11/84 <sup>1</sup>	Jan. 31, 1984 4/11/84 <sup>1</sup>	Apr. 11, 1984	Chicago, IL \$100,000
All Ways Transfer, Inc., 800 S.W. 21st Terrace, Ft. Lauderdale, FL; motor carrier; Old Republic Ins. Co.	Mar. 12, 1984	Apr. 4, 1984	Miami, FL \$25,000
Alto's Express, Inc., 2301 Garry Rd., Cinnaminson, NJ; motor carrier; The Continental Ins. Co.	July 23, 1983	Apr. 18, 1984	Philadelphia, PA \$50,000
Louis Birard, 1080 N.W. 127th St., Miami, FL; motor carrier; North- western National Ins. Co.	Feb. 28, 1984	Mar. 2, 1984	Miami, FL \$25,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Border States Transport, Inc., 1718 Pease Rd; P.O. Box 251, Burlington, WA; motor carrier; Safeco Insurance Company of America.	Feb. 21, 1984	Apr. 16, 1984	Seattle, WA \$25,000
Brown Transport Corp., 352 University Ave., S.W., Atlanta, GA; motor carrier; Fireman's Fund Ins. Co. (PB 6/12/68) D 2/21/84	Feb. 21, 1984	Feb. 21, 1984	Savannah, GA \$25,000
Burt Clifford Transport, Inc., 2010 Highway 18 East, Kingsville, Ontario, Canada; motor carrier; Fireman's Fund Ins. Co. (PB 10/16/80) D 4/6/84 <sup>2</sup>	Mar. 5, 1984	Apr. 6, 1984	Detroit, MI \$50,000
Crown Freight, Inc., Metro Airport, P.O. Box 42162, Detroit, MI; motor carrier; Continental Ins. Co.	Apr. 12, 1984	Apr. 16, 1984	Detroit, MI \$25,000
Dealer's Transit, Inc., 522 South Boston Ave., Tulsa, OK; motor carrier; Boston Old Colony Ins. Co. D 4/11/84	Mar. 6, 1977	Mar. 7, 1977	Tampa, FL \$50,000
S. J. Durrance Co., Inc., 207 Administration Bldg., State Farmers Market, Forest Park, GA; motor carrier; Commercial Union Ins. Co.	Jan. 17, 1984	Apr. 9, 1984	Savannah, GA \$25,000
Gator Freightways, Inc., 114 W. Madison St., Starke, FL; motor carrier; The Travelers Indemnity Co.	Dec. 1, 1983	Apr. 4, 1984	Miami, FL \$50,000
George Transfer & Rigging Co., Inc., P.O. Box 500, Parkton, MD; motor carrier; Fireman's Fund Ins. Co. (PB 2/14/80) D 4/6/84 <sup>3</sup>	Mar. 1, 1984	Apr. 6, 1984	Baltimore, MD \$25,000
Great Southwest Warehouses, Inc., d/b/a Seattle Transfer & Storage, 2446 S. 161st, Seattle, WA; motor carrier; Safeco Insurance Company of America. (PB 5/7/81) D 4/12/84 <sup>4</sup>	Mar. 28, 1984	Apr. 12, 1984	Seattle, WA \$25,000
Bruce Johnson Trucking Co., Inc., P.O. Box 5647, Charlotte, NC; motor carrier; The Aetna Casualty and Surety Co. (PB 7/13/82) D 3/12/84 <sup>5</sup>	Feb. 29, 1984	Mar. 13, 1984	Wilmington, NC \$25,000
Roy Leon & Co., Inc., 7516 N.W. 70th St., Miami, FL; motor carrier; Old Republic Ins. Co.	Oct. 20, 1983	Apr. 5, 1984	Miami, FL \$50,000
N.Y., N.J., Conn. Freight and Messenger Corp., 550 Secaucus Rd., Secaucus, NJ; motor carrier; Investors Insurance Company of America. (PB 11/27/80) D 4/2/84 <sup>6</sup>	Apr. 2, 1984	Apr. 10, 1984	NY Seaport \$100,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
North Continent Airlines, Inc., 2735 E. Spring St., Long Beach, CA; motor carrier; Washington International Ins. Co.	Mar. 19, 1984	Mar. 21, 1984	Los Angeles/Long Beach, CA \$25,000
Olson Transportation Co., Inc., 6022 W. State St.; P.O. Box 13069, Milwaukee, WI; motor carrier; St. Paul Fire & Marine Ins. Co. (PB 6/23/82) D 6/19/84 <sup>7</sup>	Jan. 24, 1984	Mar. 19, 1984	Milwaukee, WI \$25,000
Olympic Transfer Corp., 1311 N.W. 29 Ave., Miami, FL; motor carrier; Fidelity & Deposit Co. of MD.	Aug. 31, 1983	Mar. 3, 1984	Miami, FL \$50,000
Papa Enterprises, Inc., 12494 Wyoming Ave., South, Savage, MN; motor carrier; State Surety Co.	Feb. 8, 1984	Apr. 6, 1984	Minneapolis, MN \$25,000
Poole Truck Lines, Inc., Ted Bates Rd., P.O. Drawer 500, Evergreen, AL; motor carrier; American Casualty Company of Reading, PA. (PB 1/1/76) D 4/11/84 <sup>8</sup>	Apr. 1, 1984	Apr. 11, 1984	Mobile, AL \$25,000
Pottle's Transportation, Inc., P.O. Box 164, Carmel, ME; motor carrier; St. Paul Fire & Marine Ins. Co. D 4/13/84	Dec. 27, 1982	Feb. 15, 1984	Portland, ME \$50,000
Quick Transport, Inc., 5320 Augusta Rd., P.O. Box 4216, Port Wentworth, GA; motor carrier; Reliance Ins. Co. D 5/1/84	May 1, 1981	May 11, 1984	Savannah, GA \$25,000
Rapido Transfer, Inc., 1511 N.W. 82nd Ave., Miami, FL; motor carrier; Old Republic Ins. Co.	Apr. 20, 1983	Mar. 3, 1984	Miami, FL \$50,000
Russel Freight Line, Inc., 8600 Compton Blvd., Paramount, CA; motor carrier; Mid-Century Ins. Co.	Jan. 5, 1984	Apr. 13, 1984	Los Angeles/Long Beach, CA \$50,000
Seattle Transfer & Storage—see: Great Southwest Warehouses, Inc.			
Strothman Truck Lines—see: United States Transportation, Inc.			
Titan Security Ltd., 3235 Tulane Ave., New Orleans, LA; motor carrier; Northwestern National Casualty Co. D 4/9/84	Feb. 22, 1983	Mar. 18, 1983	New Orleans, LA \$25,000
C. J. Tower & Sons of Buffalo Inc., 128 Dearborn St., Buffalo, NY; motor, rail and air carrier; Aetna Ins. Co. (PB 6/16/82) D 4/15/84 <sup>9</sup>	Apr. 11, 1984	Apr. 15, 1984	Buffalo, NY \$50,000
Transus, Inc., 2090 Jonesboro Rd., SE, Atlanta, GA; motor carrier; Utica Mutual Ins. Co. (PB 1/1/83) D 2/28/84 <sup>10</sup>	Feb. 24, 1984	Feb. 28, 1984	Savannah, GA \$50,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
H. M. Trimble & Sons, Ltd., P.O. Box 3500, Calgary, Alberta, Canada; motor carrier; Great American Ins. Co. D 4/16/84	Feb. 25, 1972	Oct. 17, 1972	Detroit, MI \$60,000
Ultrahaul Inc., 24 Forwell Rd., Kitchener, Ontario, Canada; motor carrier; Transamerica Ins. Co.	Sept. 21, 1983	Apr. 4, 1984	Buffalo, NY \$25,000
Union Shipping Co., 7480 N.W. 52d St., Miami, FL; motor carrier; Washington International Ins. Co.	Nov. 1, 1983	Mar. 3, 1984	Miami, FL \$50,000
United States Lines Trucking, Inc., 27 Commerce Drive, Cranford, NJ; motor carrier; American Motorists Ins. Co.	Jan. 30, 1984	Feb. 6, 1984	Newark, NJ \$200,000
United States Transportation, Inc., d/b/a Strothman Tank Lines, 4963 Provident Dr., Cincinnati, OH; motor carrier; The Buckeye Union Ins. Co. D 4/10/84	Apr. 7, 1983	Apr. 13, 1984	Cleveland, OH \$100,000
H. P. Welch Co., 400 Somerville Ave., Somerville, MA; motor carrier; Globe Indemnity Co. D 4/19/84	Jan. 2, 1973	Feb. 8, 1973	Boston, MA \$50,000
Western Container Transport, 8101 N.E. 14th Place, Portland, OR; motor carrier; Washington International Ins. Co. (PB 4/5/77) D 4/5/84 <sup>11</sup>	Mar. 27, 1984	Apr. 5, 1984	Portland, OR \$25,000

<sup>1</sup> Principal is Al-Ways Air Freight, Inc. Surety is American Manufacturers Mutual Ins. Co.

<sup>2</sup> Principal is Burt Clifford Transport. Surety is Royal Indemnity Co.

<sup>3</sup> Surety is Fidelity & Deposit Co. of MD.

<sup>4</sup> Surety is Gulf Ins. Co.

<sup>5</sup> Surety is Liberty Mutual Ins. Co.

<sup>6</sup> Surety is Federal Ins. Co.

<sup>7</sup> Principal is Fred Olson Co., Inc.

<sup>8</sup> Principal is Poole Truck Line, Inc. Surety is The Aetna Casualty & Surety Co.

<sup>9</sup> Surety is Seaboard Surety Co.

<sup>10</sup> Surety is Protective Ins. Co.

<sup>11</sup> Principal is Western Container Transport, Inc. Surety is Peerless Ins. Co.

BON-3-03  
216884

EDWARD B. GABLE, Jr.,  
Director,  
Carriers, Drawback and Bonds Division.

(T.D. 84-113)

**Bonds**

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds), Customs Form 7605

The following consolidated aircraft bonds have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by the figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: May 10, 1984.

Name of principal and surety	Date term commences	Date of approval	Filed with district director/area director/amount
Federal Express Corp., 2930 Airways Blvd., Memphis, TN; Safeco Insurance Company of America. (PB 1/26/81) D 4/17/84	Dec. 12, 1983	Apr. 13, 1984	New Orleans, LA \$100,000
The foregoing principal has been designated as a carrier of bonded merchandise.			

BON-3-01  
216890

EDWARD B. GABLE, Jr.,  
*Director,*  
*Carriers, Drawback and Bonds Division.*

(T.D. 84-114)

**Fish—Tariff-Rate Quota**

Tariff-Rate Quota for the Calendar Year 1984, on Fish Dutiable Under Item 110.50, Tariff Schedules of the United States, (TSUS)

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity on certain fish for calendar year 1984.

SUMMARY: The tariff-rate quota for fish pursuant to item 110.50, (TSUS), for the 1984 calendar year is 53,741,427 pounds.

**EFFECTIVE DATES:** The 1984 tariff-rate quota is applicable to fish described in item 110.50, TSUS, which are entered, or withdrawn from warehouse, for consumption during calendar year 1984.

**FOR FURTHER INFORMATION CONTACT:** William J. Wagner III, Head, Quota Section, General Programs Branch, Duty Assessment Division, Office of Commercial Operations, U.S. Customs Service, Washington, D.C. 20229 (202-566-8592).

**SUPPLEMENTARY INFORMATION:** This tariff-rate quota for fish is equal to 15 percent of the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, of cod, cusk, haddock, hake, pollock, and rosefish, for the 3 preceding years, as provided for in Headnote 1, part 3A, Schedule 1, and item 110.50, TSUS.

It has been determined that the average aggregate consumption for calendar year 1981 through 1983 was 358,276,177 pounds. Therefore, the quota quantity for fish, item 110.50, TSUS for calendar year 1984 is 53,741,427 pounds.

(QUO-2-CO:T:D:G)

Dated: May 10, 1984.

Attachment

ALFRED R. DE ANGELUS,  
*Acting Commissioner of Customs.*

[Published in the Federal Register, May 17, 1984 (49 FR 20972)]

**U.S. Production, Entries of American Fisheries, and Imports for consumption of: Fresh or Frozen fillets, steaks and sticks of cod, haddock, hake, pollock, cusk, and rosefish.**

**POUNDS**

[1981-1983]

Year	Production	Entries of American fisheries	Imports of consumption	Total <sup>1</sup>
1981 .....	<sup>2</sup> 77,092,000 .....		252,601,246	329,693,246
1982 .....	<sup>2</sup> 70,994,000 .....		280,198,145	351,192,145
1983 .....	<sup>2</sup> 98,800,000 .....		295,143,139	393,943,139
Total .....	246,886,000 .....		<sup>3</sup> 827,942,530	1,074,828,530

<sup>1</sup> Apparent consumption as provided in Headnote 1 and Item 110.50, Part 3A Schedule 1, TSUS.

<sup>2</sup> Production figures for 1981 and 1982 were revised by National Fisheries Service, U.S. Department of Commerce by letter dated January 19, 1984.

<sup>3</sup> 1982 import figure is as shown on computer records on January 6, 1984, for the period ending December 31, 1982.

Source: Production from National Marine Fisheries Service, U.S. Department of Commerce; entries of American Fisheries by U.S. International Trade Commission from records of the U.S. Department of Commerce; imports for consumption from records of U.S. Customs Service,



## CUSTOMS

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3-year Average .....	358,276,177
15% of 3-year average .....	53,741,427
Quarterly quotas for 1984:	
1st .....	13,435,356
2nd .....	13,435,357
3rd .....	13,435,357
4th .....	13,435,357
Yearly total .....	53,741,427

## Fish

## January-March, 1983

Canada .....	37,428,189
Total other countries .....	36,790,636
Grand total .....	74,218,825

## April-June, 1983

Canada .....	43,605,637
Total other countries .....	35,936,914
Grand total .....	79,542,551

## July-September, 1983

Canada .....	43,470,381
Total other countries .....	33,622,953
Grand total .....	77,093,334

## October-December, 1983

Canada .....	31,723,672
Total other countries .....	32,564,757
Grand total .....	64,288,429
Yearly total .....	295,143,139

# U.S. Customs Service

## *General Notice*

Performance Review Boards: Appointment of Members

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General Notice.

SUMMARY: This notice announces the appointment of the members of the U.S. Customs Service Performance Review Boards (PRB's) in accordance with 5 U.S.C. 4313(c)(4). The purpose of the PRB's is to review senior executive employees' performance and make recommendations regarding performance and performance awards.

DATE: The Performance Review Boards become effective on May 15, 1984.

FOR FURTHER INFORMATION CONTACT: John L. Heiss, Director, Office of Human Resources, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3417, Washington, D.C., (202) 566-5563.

SUPPLEMENTARY INFORMATION: There are two Performance Review Boards in the U.S. Customs Service as follows:

1. The Performance Review Board to review Senior Executives rated by the Commissioner and Deputy Commissioner is composed of the following members:

Edward Stevenson—Deputy Assistant Secretary (Operations), Department of the Treasury

William Barton—Deputy Director, U.S. Secret Service

William T. Drake—Deputy Director, Bureau of Alcohol, Tobacco and Firearms

Philip McGuire—Deputy Director, Bureau of Alcohol, Tobacco and Firearms

Robert Maxwell—Deputy Associate Director for Compliance, Bureau of Alcohol, Tobacco and Firearms

2. The Performance Review Board to review all other Senior Executives is composed of the following members:

George C. Corcoran, Jr.—Assistant Commissioner, Office of Enforcement, U.S. Customs Service

Robert P. Schaffer—Assistant Commissioner, Office of Commercial Operations, U.S. Customs Service

William H. Russell—Comptroller, U.S. Customs Service  
James W. Shaver—Assistant Commissioner, Office of International Affairs, U.S. Customs Service  
John L. Heiss—Director, Office of Human Resources, U.S. Customs Service  
William J. Griffin—Regional Commissioner, Northeast Region, U.S. Customs Service  
Dennis T. Snyder—Regional Commissioner, New York Region, U.S. Customs Service  
Robert N. Battard—Regional Commissioner, Southeast Region, U.S. Customs Service  
Peter Dispenzirie—Regional Commissioner, North Central Region, U.S. Customs Service  
Donald Kelly—Regional Commissioner, Southwest Region, U.S. Customs Service  
John R. Grimes—Regional Commissioner, South Central Region, U.S. Customs Service  
Quintin L. Villanueva, Jr., Regional Commissioner, Pacific Region, U.S. Customs Service  
Dated: May 9, 1984.

A. R. DE ANGELUS,  
*Acting Commissioner of Customs.*

[Published in the Federal Register, May 16, 1984 (49 FR 20776)]

# U.S. Customs Service

## *General Notice*

### Certain Importations Bearing Recorded U.S. Trademarks

#### Solicitation of Economic Data

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Solicitation of economic data.

**SUMMARY:** This document solicits economic data from the public concerning the importation of articles manufactured abroad bearing genuine trademarks without the consent of the registered U.S. trademark owner (so-called "parallel imports" or "grey market goods"). Questions are presented on behalf of the Working Group on Intellectual Property (WGIP) of the Cabinet Council on Commerce and Trade (CCCT).

**DATE:** Data are requested on or before July 20, 1984.

**ADDRESS:** Written data (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 2426, Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:** CUSTOMS SERVICE ASPECTS: Sam Orandle, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202/566-5765).

**QUESTIONS POSED BY THE CCCT WORKING GROUP ON INTELLECTUAL PROPERTY:** Barbara Luxenberg, Special Assistant to the Assistant Secretary and Commissioner, U.S. Patent and Trademark Office, Department of Commerce, Crystal Plaza 3, Room 11E10, Washington, D.C. 20231 (703/557-3071).

#### BACKGROUND

The statutory framework affecting the importation of foreign articles bearing registered trademarks is contained in section 526 of the Tariff Act of 1930, as amended (19 U.S.C. § 1526) and section 42 of the Lanham Trademark Act (15 U.S.C. § 1124). The Customs Regulations implementing these statutes are set forth in Part 133 of Title 19, Code of Federal Regulations. The Customs Regulations permit any person to import foreign manufactured articles bearing

genuine trademarks where (1) both the foreign and U.S. trademark are owned by the same person or business entity; (2) the owners of the foreign and domestic trademarks are parent and subsidiary companies or are otherwise subject to common ownership or control; or (3) the articles bear a trademark applied under authorization of the U.S. trademark owner. Otherwise, the regulations prohibit importations of such articles without the consent of the U.S. trademark owner and provide for the seizure and forfeiture of such articles.

Because of the controversy and considerable interest on both sides of the issue expressed in many letters to, and requests for meetings with, the Executive Branch Departments and Agencies, the Cabinet Council on Commerce and Trade's Working Group on Intellectual Property is studying the issues relating to parallel imports. The WGIP may make a recommendation to the CCCT with respect to parallel imports of trademarked products when it concludes its study.

To help the WGIP assess the long and short term economic effects of parallel imports, the Department of the Treasury has agreed to solicit relevant economic data from interested parties.

The questions below are drawn from questions submitted by WGIP members from the following Federal agencies: United States Trade Representative, Patent and Trademark Office of the Department of Commerce, State Department, Antitrust Division of the Department of Justice, and the Office of Management and Budget.

#### QUESTIONS

"Parallel imports" or "grey market goods" are those goods manufactured abroad bearing an authentic U.S. trademark that are imported and sold in the United States without authorization from the owner of the U.S. trademark.

All questions need not be answered by each respondent, but those that are should be answered as completely as possible using verifiable data. Respondents should cite sources wherever possible. Any underlying assumptions used in preparing analyses must be stated explicitly. The basis for making estimates must be explained. Wherever possible, systematic analysis should be provided rather than anecdotal evidence. Respondents should indicate whether they are licensors or assignors of U.S. trademarks, U.S. trademark owners, authorized distributors of trademarked products, sellers or importers of parallel imports, consumers, or other interested parties. Please provide the information separately for each distinct trademarked product and separately for each of the past ten calendar years, 1974-1983. If information is not available for each year, please provide information for those years it is available.

The questions below are intended to be as complete as possible. However if you have any other information relevant to parallel import issues you may provide that using verifiable data.

A. Questions for all concerned respondents.

1. Which trademarked products and product markets in the United States are affected by parallel imports? Explain how you define the product market.

2. For each trademarked product and each product market, what are total U.S. sales in units and dollars? What percentage of those total sales do sales of parallel imports represent in units and dollars? How have those market shares changed in the past ten years?

3. For each trademarked product and each product market, from which countries are parallel imports brought into the United States? What are total U.S. sales in units and dollars of parallel imports of each trademarked product and in each product market from each country?

4. For each country identified above what volume of U.S. sales (in units and dollars) resulted from exports to the United States by firms licensed to use the trademark in that country? Were such licensees barred in their license agreement from exporting that product to the United States? If not, why didn't the trademark owner seek to bar them?

5. For each country, describe each relevant legal restriction placed on trademark owners that affect their ability to restrict parallel imports to the United States. For example, which of these countries, if any:

a. Require trademark holders to license their trademarks to local producers in order to gain trademark protection?

b. Prohibit trademark license agreements that restrict the local trademark licensee from exporting that trademarked product to the United States?

c. Do not give the trademark holder standing equal to the local licensee in its court system to enforce any licensing agreements?

d. Place any other legal restrictions on trademark owners?

6. Parallel imports generally exist when the price of a trademarked good in the United States is higher than the price of the imported good. Please provide verifiable information that will indicate which of the following factors contributed significantly to any price differential in the product market in which you operate:

a. The trademarked good in the United States includes tied-in services—e.g., warranties, consumer service—that are not provided with the imported good.

b. The sanctioned U.S. distributor of the trademarked good places a larger mark-up (over the wholesale price) on the good than do the foreign distributors who supply the parallel imports.

c. The trademarked good is licensed for production in various countries, and production costs are lower in foreign countries than in the United States.

d. The trademarked good is centrally produced by the trademark holder and then distributed to various countries, and the trademark holder sets different wholesale prices in different countries to take advantage of different degrees of price sensitivity across countries.

e. Relative exchange rates resulting in price differentials across national borders.

f. Any other factors.

7. If a price differential is not the reason for a trademarked product being sold by parallel importers, what is the reason?

8. Please provide data comparing both (a) advertising, promotional, or service levels; and (b) retail prices for trademarked products in cities or regions with little parallel import competition to those with strong parallel import competition.

9. Both trademark owners and parallel importers allege that adoption of their positions would favorably affect U.S. employment. Please provide studies of employment impact which (a) contain estimates of both jobs created and jobs lost by allowing or prohibiting parallel import competition, and (b) explicitly state all underlying assumptions.

10. Describe and quantify the costs and benefits of a possible requirement for mandatory labeling which indicates (a) the trademark owner's warranty does not cover the product, and (b) the actual warranty protection and repair services that are provided.

11. If the rights under a trademark were received from a foreign entity, is that entity in favor of restricting parallel imports? What is the rationale?

B. Questions primarily for owners of trademarks registered in the United States and for authorized distributors. For each question state your relationship, if any, with the foreign user of the U.S. trademark (i.e., subsidiary, distributor, assignee, licensee, licensor, etc.).

1. What effects have competition from parallel imports (or the threat of such competition) in the United States had on the way you do business in the trademarked product, including but not limited to effects on pricing; warranties offered; and advertising, promotional, and service expenditures? What are the reasons for these effects? Provide documentation that shows that parallel imports were the causal factor in the changes in your business behavior.

2. Compare your business practices (as outlined in the question above) before and after competition from parallel imports began for a particular trademarked product or compare your business practices with respect to trademarked products which are not subject to competition from parallel imports and those that are. Provide documentation that parallel imports were the causal factor.

3. For those trademarked goods for which you have spent money on advertising, promotion, and service network development (excluding warranty service), what percentage of the total per unit



costs do each of the associated costs represent? What percentage of the wholesale price? Of the average retail price? What percentage do you bear? Your foreign parent company, licensor, or assignor? Supply data for specific trademarked products.

4. Provide any existing studies on the effect of parallel import sales on advertising, promotion, and service.

5. What effect has the entry into the United States of parallel imports which were not intended for distribution in the United States had on the goodwill associated with your trademark? What are the reasons for such effects? Verify your answer or explain how it can be verified.

6. Describe each case you know of where parallel imports have failed to comply with existing labeling laws prescribed for the products involved. Provide verifiable information on how widespread this is.

7. Describe each difference, including those in warranties, between parallel import trademarked products and your trademarked product sold by you in the United States.

8. For each trademarked product, how many requests have you received for warranty work in the United States? How many of those requests were for warranty work on parallel imports?

9. For trademarked products for which you provide warranties, what percentage of the total per unit costs do the warranty costs represent? What percentage of the wholesale price? Of the average retail price? Supply data for specific trademarked products.

10. When you provide warranties for trademarked products, for what percentage of the costs associated with these warranties do you pay? What percentage do your sanctioned U.S. distributors bear? Your foreign parent company, licensor, assignor, or each other entity in the distribution chain? Data supplied should be for each trademarked product.

11. How many complaints, if any, have consumers made about the warranty service for parallel imports? What were these complaints? To whom were they made? Provide documents for verification. Have you verified whether the complaints were valid?

12. For U.S. manufacturing companies, what were U.S. sales in units and dollars of imported products bearing licensed trademarks—

a. When the trademark was originated by you and licensed to foreign producers without territorial restrictions—

(1) As a result of an arms length transaction?

(2) As a result of governmental bans on territorial restrictions?

b. When the trademark was originated by you and licensed to the foreign producer with territorial restrictions and such imports take place without violation of territorial restrictions (i.e., by third parties)?

c. When the trademark was licensed to the U.S. manufacturer by a foreign trademark originator—



(1) In the presence of territorial restrictions on the licensor in the license?

(2) In the absence of territorial restrictions on the licensor in the license?

13. Have you or others attempted to prevent or restrict foreign licensees from exporting parallel imports to the United States? If so, describe for each country such efforts and the results achieved. Include all litigation brought and all efforts through contract or otherwise to restrict foreign licensees in the sale or export of trademarked products to the United States. Describe each legal ruling with respect to such efforts and indicate whether the effort was successful and if not, why.

14. What are you doing in the United States to protect your trademark from parallel imports?

15. Have you made the business decision not to do business in a country that places restrictions on trademark property rights rather than to sign open-ended licensing agreements that would result in parallel imports?

16. What is your approximate annual profit in dollars from the sale of a trademarked product? What is your approximate annual loss in profits in dollars, if any, that you attribute to competition from parallel imports of that trademarked product? Provide verifiable accounting data.

17. For each trademarked product facing competition from parallel imports, what was the average price you charged U.S. consumers? What was the average price charged for parallel imports?

C. Questions primarily for those who import/sell parallel imports in the United States. For each answer, state your relationship, if any, to the U.S. trademark owner and to a foreign owner or licensee of that trademark.

1. What is the annual dollar volume of your imports/sales of all parallel imports? What percentage of your total import/sales does this amount represent?

2. For each trademarked product, what are your sales in units and dollars? What are total U.S. sales in units and dollars?

3. Describe each effort, if any, that has been made to prevent or restrict you from bringing parallel imports into the United States and selling them.

4. Do you charge consumers less for parallel imports than is charged for the same goods coming from the U.S. trademark owner? If so, indicate the percentage of price reduction giving specific examples and the sources of your price figures. State the reasons that you were able to charge less than the U.S. trademark owner.

5. Aside from a price differential, if any, what are the advantages to consumers of purchasing parallel imports?

6. Do you provide warranties for parallel imports which you import/sell? For all or just some goods? List specific trademarked

products and provide copies of the warranties associated with each product. How do these warranties differ, if at all, from those provided by the U.S. trademark owner or by authorized U.S. distributors? Do you alert consumers to any differences? How?

7. What is your annual expenditure in dollars to provide warranties to consumers for each of the trademarked parallel imports that you sell? What percentage of the unit cost, wholesale price, and retail price do those expenditures represent? What percentage of your parallel import revenues do those expenditures represent? Describe your warranties.

8. Do you maintain repair facilities for parallel imports which you import/sell? If so, give specific details on those facilities. How do these facilities and services compare to those of U.S. trademark owners or authorized U.S. distributors?

9. Would you or consumers be harmed economically or otherwise if you were required, prior to importing/selling, to remove/obliterate the trademarks from parallel imports? Explain how and document if possible.

10. Identify each parallel import product that has labels disclosing its origins or containing warranty information. Describe the labels.

11. What is your annual expenditure in dollars for advertising, promoting, and developing service networks (excluding warranties) for each of the trademarked parallel imports that you sell? What percentage of the unit cost, wholesale price, and retail price do those expenditures represent? What percentage of your parallel import revenues do those expenditures represent? Describe your advertising, promotion and service.

12. What is your approximate annual profit from the importation or sale of the parallel imports? Provide verifiable accounting data.

D. Questions primarily for individuals who have purchased parallel imports and for consumer organizations.

1. What parallel import products have you purchased? Did you know at the time you purchased them that they were parallel imports? If not, would your purchasing decision have been different had you known? Were there any differences between the parallel imports and the same model product sold by the U.S. trademark owner and its authorized distributors?

2. Describe any problems you have had with the parallel imports and describe the warranties, if any, that they carried.

3. Have you ever purchased a trademarked product which you assumed or were led to believe was warranted by the U.S. trademark owner and later found out that the product was not under such warranty because it was made abroad? Give specific instances.

4. Have you ever noticed price differentials between authorized trademarked products and parallel import products even though the products were identical and carried the same trademark? If so, what percentage of price differential existed between the two?

5. Would you be willing to purchase a product bearing no trademark which was identical in every other respect to a product bearing a recognized trademark if there were no price differential between the two products? If not, at what percentage price reduction would you be willing to purchase the unmarked product? Would you be able to determine that the two products were identical in the absence of a trademark? How?

6. With respect to the unmarked product mentioned above, at what price differential would you be willing to purchase the unmarked product if you knew that it did not carry a warranty from the owner of the U.S. trademark? At what price reduction would you consider a warranty from the foreign manufacturer or importer/retailer as an acceptable alternative?

7. Was there a label on products you purchased from an unauthorized distributor indicating the procedure to be followed if the product needed repair or was defective in some way? If so, what was your experience in obtaining repair or service on such a product? Would the existence of such a label help you to choose between purchasing an authorized trademarked product and a parallel import?

8. Have you purchased parallel imports which failed to comply with existing labelling laws prescribed for the product involved?

9. Have you been alerted to any differences in warranties between parallel imports and trademarked goods sold by the U.S. trademark owner or authorized distributor?

10. From which sources did you obtain the information on which you based your decision to purchase the trademarked product? Which information did you obtain from the advertising and sales people of the person from whom you purchased it? Which information from the advertising and sales people of the U.S. trademark owner or one of its authorized sellers? Which information from other sources?

#### COMMENTS

Data submitted to the Commissioner of Customs will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

#### EXECUTIVE ORDER 12291

Because this document merely requests data and will not result in a regulation which would be a "major rule" as defined by section 1(b) of E.O. 12291, a regulatory impact analysis and review as prescribed by section 3 of the E.O. is not required.

## REGULATORY FLEXIBILITY ACT

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this document because it merely solicits data and will not have a significant economic impact on a substantial number of small entities. Accordingly, the Secretary of the Treasury certifies under the provision of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the document will not have a significant economic impact on a substantial number of small entities. In addition, the document is not expected to have significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

## DRAFTING INFORMATION

The principal author of this document was Barbara Luxenberg, Special Assistant to the Assistant Secretary and Commissioner of Patents and Trademarks, U.S. Department of Commerce. However, personnel from the Antitrust Division of the Department of Justice, the United States Trade Representative, the Patent and Trademark Office of the Commerce Department, the State Department, the Office of Management and Budget, and Customs and Treasury offices participated in its development.

Approved: May 2, 1984.

WILLIAM VON RAAB,  
*Commissioner of Customs.*

GERALD J. MOSSINGHOFF,  
*Chairman, Working Group on Intellectual Property of the Cabinet  
Council on Commerce and Trade,  
Assistant Secretary and Commissioner of Patents and  
Trademarks.*

JOHN M. WALKER, Jr.,  
*Assistant Secretary of the Treasury.*

[Published in the Federal Register, May 21, 1984 (49 FR 21453)]

# United States Court of International Trade

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New York, N.Y. 10007

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## Decisions of the Court of International Trade

*Abs.*

*Abstracted From*

The following abstracts of decisions of the United States Court of International Trade are published for the information and guidance of officers and employees of Customs and Border Protection. Decisions are not of sufficient general interest to print in full. To Customs officials in easily locating cases and tracing



# the United States International Trade

*Abstracts*

*Protest Decisions*

DEPARTMENT OF THE TREASURY, *May 10, 1984.*

United States Court of International Trade at New York are  
officers of the Customs and others concerned. Although the  
print in full, the summary herein given will be of assistance  
acing important facts.

WILLIAM VON RAAB,  
*Commissioner of Customs.*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESS
				Item No. and
P84/151	Watson, J. May 3, 1984	Electrohome Ltd.	82-6-00873	Item 722.40 Various ra (projection monitors) Items 722.70 722.50, 722 Various ra (screens ar legs) Item 722.50 Various ra (desk stan pedestal b and mount yokes) Various ite (interface modules a harnesses)

ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
No. and Rate	Item No. and Rate		
722.40 Various rates projection monitors) 722.70, 722.50, 722.40 Various rates screens and modules) 722.50 Various rates desk stands, pedestal bases, mounting modules) Various items interface modules and harnesses)	Item 685.11 5% (projection monitors) Item 685.11 5% (desk stands, pedestal bases, screens and legs, interface modules, mounting yokes and harnesses— imported as part of entire system with projection monitors) Item 685.19 Various rates (screens and interface modules— imported without projection monitors) Item 688.15 Various rates (Harnesses— imported without projection monitor)		

P84/152

Watson, J.  
May 3, 1984

Electrohome Ltd.

82-7-01046

Item 722.40  
Various  
(projection  
monitors  
Items 722.7  
722.50, 72  
Various  
(screens  
legs)  
Item 722.50  
Various  
(desk star  
pedestal  
and moun  
yokes)  
Various  
(interface  
modules  
harnesses

<p>Item 657.25 Various rates (desk stands, pedestal bases, mounting yokes &amp; accessory legs without screens— imported without projection monitor)</p> <p>Item 685.11 5% (projection monitors)</p> <p>Item 685.11 5% (desk stands, pedestal bases, screens and legs, interface modules, mounting yokes and harnesses— imported as part of entire system with projection monitors)</p> <p>Item 685.19 Various rates (screens and interface modules— imported without projection monitors)</p>	<p>Agreed statement of facts</p>	<p>Buffalo Projection monitors with desk stands, pedestal bases; mounting yokes; screens and legs; inter- face modules and har- nesses</p>
--	----------------------------------	--

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASS
				Item No
P84/153	Boe, J. May 3, 1984	Genender International Imports, Inc.	82-5-00662, etc.	Item 716 59¢ ea Item 716 68¢ ea Item 720 17¢ ea 12.8% Item 720 4.7¢ ea 9.6% Item 760 1.7¢ ea 11.5% Item 756 19.1% Item 720 11.9%

ASSESSED	HELD		
Item No. and Rate	Item No. and Rate	BASIS	PORT OF ENTRY AND MERCHANDISE
	Item 688.15 Various rates (harnesses— imported without projection monitor)	Agreed statement of facts	Buffalo Projection monitors with desk stands, pedestal bases; mounting yokes; screens and legs; inter- face modules and har- nesses
	Item 657.25 Various rates (desk stands, pedestal bases, mounting yokes & accessory legs without screens— imported without projection monitor)		
Item 716.18 59¢ each Item 716.10 68¢ each Item 720.24 17¢ each + 12.8% Item 720.28 4.7¢ each + 9.6% Item 760.05 1.7¢ each + 11.5% Item 756.66 19.1% Item 720.34 11.9%	Item 688.37 5.1%	U.S. v. Texas Instruments (1 CIT 236 (1981), aff'd, 3- 25-82)	Chicago LCD, LED, and Quartz watches

P84/154

Boe, J.  
May 8, 1984

Leisurecraft Products,  
Ltd.

80-10-01601

Merchan  
marke  
"B" cl  
under  
715.05  
716.18  
modul  
or 720  
cases  
for bar  
asses  
duty a  
rates



merchandise  
marked "A" and  
"B" classified  
under item  
715.05 (716.14/  
716.18) for  
modules, 720.24  
or 720.28 for  
cases and 740.35  
for bands and  
assessed with  
duty at various  
rates

Item 688.36  
5.5%, 5.3%,  
5.1%, 4.9% for  
merchandise  
marked "A"  
Item 656.25  
25%, 23.1%,  
21.3%, 19.4% for  
merchandise  
marked "B" if  
plated with gold  
Item 657.35  
.6¢ lb. + 7.5%,  
7.4%, 7%, 6.7%  
for merchandise  
marked "B" if  
brass c.v.  
Item 657.20  
9.5%, 9%, 8.6%,  
8.1% for  
merchandise  
marked "B" if  
steel c.v.  
Item 656.20  
16%, 14.9%,  
13.9%, 12.8% for  
merchandise  
marked "B" if  
coated or plated  
with palladium

Agreed statement of facts

New York  
LCD watches consisting of  
modules, modules & cases  
or modules, cases &  
bands; entireties mer-  
chandise marked "A"  
Cases & bands merchandise  
marked "B"

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED
				Item No. and R
P84/155	Boe, J. May 3, 1984	Leisurecraft Products, Ltd.	81-2-00122	Merchandise marked "A" "B" classified under item 715.05 (716.14 716.18) for modules, 720. or 720.28 for cases and 740 for bands and assessed with duty at various rates
P84/156	Boe, J. May 3, 1984	Mitsubishi Electronic Sales	82-6-00838	Item 720.18 13.6% + \$.95 each
P84/157	Boe, J. May 3, 1984	Morris Moskowitz Corp.	82-2-00189	Item 355.82 15% + 25¢ p lb.

ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
Item No. and Rate	Item No. and Rate		
merchandise marked "A" and classified item (716.14/ for es, 720.24 28 for and 740.35 ands and ed with at various	Item 688.36 5.5%, 5.3%, 5.1%, 4.9% for merchandise marked "A" Item 656.25 25%, 23.1%, 21.3%, 19.4% for merchandise marked "B" if plated with gold Item 657.35 .6¢ lb. + 7.5%, 7.4%, 7%, 6.7% for merchandise marked "B" if brass c.v. Item 657.20 9.5%, 9%, 8.6%, 8.1% for merchandise marked "B" if steel c.v. Item 656.20 16%, 14.9%, 13.9%, 12.8% for merchandise marked "B" if coated or plated with palladium	Agreed statement of facts	New York LCD watches consisting of modules, modules & cases or modules, cases & bands; entireties mer- chandise marked "A" Cases & bands merchandise marked "B"
0.18 + \$.95	Item 685.40 5.1%	Texas Instruments, Inc. v. U.S., 1 CIT 236 (1981) aff'd, 3-25-82	New York Clock portion for Model HS-300U with remote control unit R-300U
5.82 + 25¢ per	Item 771.41 6%	U.S. v. Elbe Products Corp. (C.A.D. 1267)	New York Synthetic leather

P84/158	Boe, J. May 3, 1984	Webcorp Inc.	82-2-00193	Item 720.2 or 720.2 Various for case of electr watches Item 740.3 Various for watc portion Items 716. through dependin their siz watch m at variou
P84/159	Ford, J. May 7, 1984	Jack E. Mamiye & Sons, Inc.	78-4-00708	Item 389.6 15% + lb.
P84/160	Ford, J. May 7, 1984	Paristyle Fashions	80-12-00197	Item 389.6 15% + lb.
P84/161	Ford, J. May 7, 1984	RCA Corp.	81-9-01149- S	Item 685.1 4.8% for modules Item 720.1 \$1.25 ea 16% for clock/tir
P84/162	Boe, J. May 7, 1984	Casio, Inc.	81-1-00045	Item 676.2 Various for elect table top hand-he calculat Items 716. through for watc module

<p>m 720.20, 720.24 r 720.28 Various rates or case portion of electronic watches m 740.35 Various rates or watch band portion ms 716.10 through 716.29 depending on their size for watch modules at various rates</p>	<p>Item 688.96 5.5%, 5.3%, or 5.1% for watch modules, cases &amp; bands</p>	<p>U.S. v. Texas Instruments, Inc., No. 81-24 (CAFC 3- 25-82)</p>	<p>Chicago Watch modules, cases and bands for electronic watches</p>
<p>m 389.60 5% + 25¢ per o.</p>	<p>Item 706.24 20%</p>	<p>J.E. Mamiye &amp; Sons, Inc. v. U.S. (C.D. 4878), aff'd, 11- 19-81</p>	<p>New York Bags or tote bags</p>
<p>m 389.62 5% + 25¢ per o.</p>	<p>Item 706.24 20%</p>	<p>J.E. Mamiye &amp; Sons, Inc. v. U.S. (C.D. 4878), aff'd, 11- 19-81</p>	<p>New York Bags or tote bags</p>
<p>m 685.19 4.8% for modules m 720.18 1.25 each + 6% for digital clock/timer</p>	<p>Item 685.19 4.8% for digital clock/timer with modules; entirety</p>	<p>Texas Instruments, Inc., 1 CIT 236, aff'd, 3-25-82</p>	<p>Los Angeles Portable video cassette re- corder tuner/timer mod- ules which contain digital clock/timers</p>
<p>m 676.20 Various rates or electronic, table top or hand-held calculators ms 716.19 through 716.29 or watch module portions</p>	<p>Item 676.20 5%, 4.8%, or 4.7%</p>	<p>Texas Instruments, Inc., 1 CIT 236, aff'd, 3-25-82</p>	<p>Los Angeles Electronic table top or hand held calculators with watch functions; entirety</p>

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESS
				Item No. and
P84/163	Boe, J. May 7, 1984	Dae Woo International America	81-12-01725	Items 688.40 688.45, 688. 688.21 or t and assess duty at va rates for r tape plays portions
P84/164	Boe, J. May 7, 1984	Eastern Watch Co.	82-3-00334	Items 716.10 716.18 Various re for module Items 720.24 720.28 Various re for cases Items 740.30 740.34, 740. Various re for bands Items 740.30 740.38 Various re for chains Items 774.55 791.54 Various re for straps
P84/165	Newman, S.J. May 7, 1984	Rank Precision Industries, Inc.	76-8-01943, etc.	Item 708.23 12.5%
P84/166	Newman, S.J. May 7, 1984	Rank Precision Industries, Inc.	82-1-00006	Item 708.23 12.5%

ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
No. and Rate	Item No. and Rate		
688.40, 45, 685.50, .21 or 688.50 assessed at various rates for radio/ tape player units	Item 678.50 4.8%	Agreed statement of facts	Los Angeles Radio/tape players
716.10, .18 various rates modules 720.24, .28 various rates cases 740.30, .34, 740.35 various rates bands 740.30, .35 various rates chains 774.55, .54 various rates straps	Item 688.36 5.3% or 5.1%	U.S. v. Texas Instruments, Inc., 1 CTT 236 (1981), aff'd, 3-25-82	New York Solid state electronic digital watches which are entire- ties comprised of solid state modules and cases imported with or without appropriate fittings (in- cluding bands, chains and straps)
708.23 5%	Item 685.10 6%	Rank Precision Industries, Inc. v. U.S. (C.A.D. 1269)	Chicago Varotal assemblies
708.23 5%	Item 685.10 6%	Rank Precision Industries, Inc. v. U.S. (C.A.D. 1269)	New York Varotal assemblies

P84/167

Boe, J.  
May 8, 1984

Sharp Electronics Corp.

82-8-01153

Merchand  
separat  
classifi  
"watch  
moveme  
under i  
720.12,  
720.16 a  
assesse  
various



merchandise separately classified as "watch movements" under items 720.12, 720.14, or 720.16 and assessed duty at various rates	<p>Item 676.20 4.7% (merchandise marked "A")</p> <p>Item 685.50 7.2% (merchandise marked "B")</p> <p>Item 685.40 5.3% (merchandise marked "C")</p> <p>Item 685.50 7.2% (merchandise marked "D")</p> <p>Item 685.40 5.1% or 5.3% (merchandise marked "E")</p>	<p>Texas Instruments, Inc. v. U.S., 1 CIT 236 (1981), aff'd, 3-25-82</p>	<p>Seattle, Wash. New York "Time function" portion of calculators, cassette tape recorders, stereo cassette tape decks, stereo cassette tape recorders, and video cassette recorders</p>
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# Decisions of Court of International Trade Abstracted Reap

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS VALUA
R84/183	Ford, J. May 7, 1984	Carlyle Footwear	80-1-00056- S	American s price
R84/184	Ford, J. May 7, 1984	Nissho-Iwai American Corp.	79-1-00060	Constructed
R84/185	Watson, J. May 7, 1984	B.P.M. International Ltd.	R61/16301	Export valu
R84/186	Watson, J. May 7, 1984	Regal Accessories, Inc.	259864-A, etc.	Export valu

# of the United States International Trade

## *Abstracts Reappraisement Decisions*

BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
American selling price	Appraised values less 23%, per pair	Agreed statement of facts	New York Footwear
Contracted value	\$0.4782 per lb., less U.S. Customs duty and less entered non-dutiable charges net packed, plus \$0.0003419 per lb.	Agreed statement of facts	Mobile Transmission tower steel parts
Port value	F.o.b. unit prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	New York Transistor radios together with their accessories and parts; entireties
Port value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	New York Ladies cotton blouses, etc.

## Decision of U.S. Court of Appeals for the Federal Circuit

APPEAL NO. 83-1106—Jarvis Clark, Co. v. The United States—RAILROAD AND RAILWAY ROLLING STOCK \* \* \* OTHER CARS, NOT SELF-PROPELLED—TSUS—Appeal from Slip Op. 83-38, filed June 13, 1983—Reversed and Remanded May 2, 1984

## Appeal to U.S. Court of Appeals for the Federal Circuit

APPEAL NO. 84-1139—Asea, Inc., v. The United States—ELECTRICAL EQUIPMENT—Appeal from Slip Op. 84-28 filed on April 18, 1984.

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